



## **Neighborhood Preservation Ordinance Update**

### **Work Program Overview**

#### **January 2004**

#### **Goal**

Achieve quality, single family residential project design compatible with existing neighborhoods through efficient design review. Address issues associated with the Neighborhood Preservation Ordinance (NPO) through a public update process.

#### **Project Objective**

Update the Neighborhood Preservation Ordinance, Single Family Residential Design Guidelines, and permit process procedures with public input and Steering Subcommittee guidance. Lay groundwork regarding neighborhood characteristics for general plan update, focusing on neighborhoods in transition.

#### **Project Customers**

Santa Barbara neighbors of development, developers, City Council, Architectural Board of Review (ABR), Historic Landmarks Commission (HLC), Planning Commission (PC), and City of Santa Barbara staff.

#### **Customer Needs**

- Address issues associated with the NPO since it was adopted.
- Achieve project design outcomes desired by the community largely through an effective NPO with associated guidelines. Create less circumstances where Architectural Board of Review and appeal hearings are needed to achieve appropriate project design.
- Simplify requirements.
- The public needs a clear and efficient design review application process and assurance that ABR standards, guidelines and review are sufficient to ensure compatible neighborhood designs.
- Staff needs to meet public expectations while minimizing ABR hearing time and backlog through a design review process which is both effective and efficient.

#### **Customer Requirements**

- Adoption in 2005
- Consulting budget of \$30 - \$40K
- Neighborhood Visual Survey to better define desired design outcomes & involve community

- Steering Subcommittee review process for oversight, guidance & expert input
- Explore potential for tailored standards for selected neighborhood (e.g. Marine Terrace)
- NPO Ordinance and Design Guidelines user-friendly for general public
- Key solution topics analyzed and recommendations produced (see attached “Key Analysis”)
- Adjust and clarify ABR’s purview and review triggers. Address piecemeal development.
- Permit processing procedures and design guidelines must be effective, easy to implement, and fair. The procedures should minimize public hearing time while maximizing desirable design outcomes.

### **Anticipated Project Results**

Research will lead to options to improve the NPO Municipal Code and the Single Family Design Guidelines. Options will be provided for consideration to the Steering Subcommittee and public. Depending on feedback during the public review process regarding options provided, some of the following project results are anticipated by staff.

1. ABR review triggers reclassified
2. Permit routing options
3. NPO Municipal Code simplified
4. Public noticing standards reviewed
5. Hillside Design District boundaries reviewed
6. Piecemeal development discouraged
7. Time limits established for NPO findings
8. Potential to expand administrative staff approval eligible projects considered
9. Design guidelines updated to improve neighborhood compatibility
10. Floor to area ratios (FAR) options considered
11. Mass, bulk and scale definitions provided
12. Standard neighborhood definition options provided
13. Square footage, building height, slope and grading calculation methods reviewed for consistent application
14. New regulation methods to limit hillside “spillover”
15. Good Neighbor Policies potentially strengthened
16. Site parcel constraints flagged earlier in review process
17. Optional: Initial consideration of form-based zoning approach applicability and feasibility

Staff anticipates that the combination of the above NPO Update project components will lead to less impacted ABR hearings and overall higher quality single family project design.

### **Final Deliverables: Due in 2005**

- Updated NPO Municipal Code language
- Updated Single Family Residential Design Guidelines to ensure new homes and additions are compatible with existing neighborhoods.
- Updated permit processing procedures (e.g. exemptions, noticing, appeals)

## **Additional Organizational Goal**

Monitor progress and continually rescale project to maintain timeline and budget.

## **Project Phases**

The project will end with final Revised NPO adoption and staff implementation training in Spring 2005. The attached work program and illustrative work flow diagram outline the general project phases.

## **Constraints**

Time: The previous NPO Update work program was initiated in August 2002 with an approximate one-year time frame. That work program relied heavily upon consultant work for project completion. Since August 2002, project manager staffing has changed and Council has directed that the project rely less on consultant work. A new project manager has been hired for the project as of September 2003. Also, a new work program is necessary to reflect less consultant input and reorient the program towards a steering committee public review process. As a result, the timeline for the work program is estimated to take closer to one and a half years.

It is important to note that the public involvement process will include the Visual Preference Survey workshops (VPS), Steering Subcommittee reviews as well as hearings before the ABR, PC and City Council. The community workshop VPS workshops at the beginning of the project and the four-month steering committee review process are expected to garner the bulk of public comments and suggested revisions. Four hearings total among the HLC, PC, and ABR are assumed. One Ordinance Committee meeting and two City Council adoption hearings maximum are scheduled in the program. Should the program generate demand for additional public workshops or hearings, the project timeline and completion date will be delayed.

Staffing: Previously, a Principal Planner was assigned to this project. The project is now primarily staffed with a Project Planner and a supervising planner. A standard level of management assistance and minimal planning technician and administrative support staff will also be available throughout the project.

Consultant Budget: As noted above, consultant expenditures are not to exceed \$30 to \$40 K.

## **Potential Risks**

Scope Creep. This project is very complex. Additional issues may be proposed to be addressed at any point. Staff will need to be careful not to commit to more analysis and solutions than is possible in the project time, staffing and budget constraints. As one example of potential scope creep, at a recent joint Council and Planning Commission meeting, interest was expressed in creating a second ABR solely for residential projects. Developing a proposal for a second ABR would expand the scope of the NPO Update beyond this charter, and raises major budgetary concerns. Some potential additional research topic items, such as the following, are known to staff:

- Solar design guidelines
- Green building incentives
- Multiple family residential design
- Private view preservation

Other, unexpected topics might also arise. Adding topics to the NPO purview would delay timelines presented in the NPO Update work program.

Incorrect Public Perceptions of Proposed Program. During planning processes, incorrect rumors can easily spread among community members. Sometimes public members may speculate that a program may threaten something important, rather than find out the specifics of a proposed program. For example, upon hearing that new regulations regarding single-family home design are being worked on, some members of the public might think the purpose of the update is simply to control development size, rather than overall design. Or an owner might fear that their ability to choose paint color for their home may be curtailed. The City must carefully communicate program goals so the public correctly understands components of the proposed program as it evolves, and also understands what the program **does not** include. Staff should stay abreast of any incorrect rumors by keeping open communication with the public and ensuring the program goals and components are clear.

Unclear Public Input. The visual preference survey workshops should yield useful information to guide the NPO update. However, there is a possibility that opinions among the public and within neighborhoods may vary greatly, making it more difficult to update the ordinance in a way that satisfies the community. Also, public perception of the purpose or function of the update process may easily be skewed.

Unexpected Single Family Design Review Purview Requests. As part of the NPO, criteria to determine when ABR Design Review occurs will be re-examined. Staff will essentially be asking the public to confirm whether the ABR should continue to review certain types of single-family residential projects. Staff anticipates the public will request similar types of projects be reviewed by the ABR (large, two-story projects) with minor adjustments perhaps in the current exception requirements. However, there is a possibility that some public members may request a radical departure from the current ABR review purview – either by requesting ABR review of many more types of single-family residential projects or by requesting largely eliminating ABR project single-family project review. In either case, unexpected extensive reconsideration of ABR’s purpose and function within the larger City project review process would be necessary.

Demand for additional review. Since the NPO will greatly affect most developers, neighbors and staff, interest in the update outcome is expected to be high. Review is scheduled through a Steering Subcommittee, the ABR, the PC and City Council. Input from the public at the ABR and Steering Subcommittee meetings is also accommodated and encouraged. However, should any group request substantial changes or rewrites of staff proposals, it may become necessary to repeat certain review steps, adding an additional review hearing or

hearings and delaying the process. Staff will work to ensure proposals are clear and carefully considered to avoid requests for major rewrites. However, both political and technical issues associated with this project are great, which leads to significant risk in this category. Accelerating the project schedule where opportunities arise to allow for additional review time at the end of the process if needed is desirable.

Staff changes. Changes at any level of staffing within the City of Santa Barbara or changes in RRM Design Group staff working on the project could lead to delays as training and reorientation occurs.

Multiple Family Residential Design. Multi-family project design concepts are not part of the Single Family Design Guidelines or included in the scope of the NPO update. Adding affordable housing units within the City is a crucial activity. Adding affordable by design, such as multiple family housing, within the City is crucial. Proper design of multi-family buildings is essential for public acceptance of new affordable multi-family units. During Visual Preference Survey workshops or Steering Committee review of the NPO Update, it may be suggested that staff expand the purview of the NPO beyond single-family structures to include multi-family residential structures. Adding this component would add time to the NPO update process as proposed revisions and guidelines would be expanded. Note, multiple-family residential design guidelines will be given priority as part of the Housing Element Implementation work program.

### **Example Single-Family Residential Design Guidelines Update Topics**

Below is additional information on some topics planned for detailed Steering Subcommittee discussions and public review.

Other Jurisdiction Practices. Communities throughout the United States are facing similar compatibility issues. Staff will review other jurisdictions' approaches to neighborhood compatibility issues to glean relevant ideas.

FARs. Floor to Area Ratio (FAR) requirements are being requested by some neighborhoods. FARs can give general guidance toward reasonable lot build-out according to lot size. Many communities have implemented FARs to better control mass, bulk and scale of development. It may be difficult to establish FAR's for all sectors of the City. FARs were previously considered and discarded as too cumbersome. However, staff will revisit this topic due to neighborhood demand and may make recommendations regarding FARs. Preliminarily, potential recommendations might include FAR threshold which triggers ABR review, maximum FARs or bonus FARs. Bonus FAR could be granted for certain design components such as locating a garage behind a house or including a functional front porch.

Mass, Bulk and Scale Definitions. Staff and ABR are focused on reducing the visual impacts associated with projects' "mass, bulk and scale". However,

despite the ubiquity of these terms, they are not clearly defined. Some jurisdictions have succinctly defined these words for their review processes. Staff will provide clear definition options for discussion.

Neighborhood Definition. Staff and ABR must find projects compatible with the “neighborhood” to approve projects. However, “neighborhood” is defined differently in different circumstances. Interested neighborhood members typically can include any of the following:

- Properties which provide a view of or across the project site
- Properties on the same street or in the same tract as the project site
- Properties surrounded by the same main arterial or most directly access by passing the project site
- Properties in the same homeowner’s group or neighborhood association
- Properties within 100’ or 450’ (consistent with noticing requirements)
- Properties on an adjacent block of the project site

Neighbors are now presenting “neighborhood” square footage information at ABR meetings. It is difficult for ABR and staff to respond to presented average “neighborhood” square footage calculations because of the ambiguity of the term “neighborhood” and because collecting this data for each project is not routine for applicants or staff. Through the Visual Preference Survey workshops with neighborhood groups, it is expected that homeowners group can help with standardizing the term “neighborhood” for their area. It may be that some Homeowner areas actually consist of two or three neighborhoods which could potentially be grouped by average lot size.

Strengthen Good Neighbor Policies. The Single Family Residence Design Guidelines contain Good Neighbor Policies which explain the importance of coordinating with neighbors to ensure both a smooth review process and maintenance of good neighbor relationships. These policies are not mandatory. Many communities have “early neighbor notification” requirements whereby applicants must bring signed statements that they have shared development plans with neighbors or held an open house regarding their project. Early consultation with neighbors could result in significant savings in hearing time if issues can be worked out prior to the ABR review process. Staff will analyze the current Good Neighbor Policies and may recommend some part of the current policy be mandatory rather than suggested.